

NINTH ANNUAL REPORT

1975

ONTARIO LAW REFORM COMMISSION



Ontario

**Ministry of the
Attorney
General**

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**Ministry of the
Attorney
General**

The Ontario Law Reform Commission was established by section 1 of *The Ontario Law Reform Commission Act* for the purpose of promoting the reform of the law and legal institutions. The Commissioners are:

H. ALLAN LEAL, Q.C., LL.M., LL.D., *Chairman*
HONOURABLE JAMES C. MCRUER, O.C., LL.D., D.C.L.
HONOURABLE RICHARD A. BELL, P.C., Q.C.
W. GIBSON GRAY, Q.C.
WILLIAM R. POOLE, Q.C.

Lyle S. Fairbairn, B.A., LL.B., is Counsel to the Commission. The Secretary of the Commission is Miss A. F. Chute, and its offices are located on the Sixteenth Floor at 18 King Street East, Toronto, Ontario, Canada.

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ONTARIO LAW REFORM COMMISSION

Sixteenth Floor
18 King Street East
Toronto, Ontario
M5C 1C5

To The Honourable R. Roy McMurtry, Q.C.,
Attorney General for Ontario

NINTH ANNUAL REPORT 1975

Dear Mr. Attorney:

We have the honour to present the Ninth Annual Report of the Ontario Law Reform Commission.

INTRODUCTION

1. This report deals with the work of the Commission during the fiscal year April 1, 1975 to March 31, 1976. During these twelve months we have completed four projects and submitted reports on them to the Attorney General. In addition, work continued and substantial progress was made on six projects currently in the programme. This report concerns the details of these activities.

2. In summary, during the last year the Commission has submitted the following four reports:

- Report on Family Law,
Part VI, Support Obligations
- Report on Mortmain, Charitable Uses
and Religious Institutions
- Report on Landlord and Tenant Law
- Report on the Law of Evidence

THE PROGRAMME: REFERRED MATTERS

3. Section 2(1)(d) of *The Ontario Law Reform Commission Act* requires the Commission to inquire into and consider any matter relating to any subject referred to it by the Attorney General. No new matters were referred to the Commission during the period covered in this report. Work on one prior reference, *The Mortmain and Charitable Uses Act*, was completed during the year and substantial progress was made on the other remaining reference, the Sale of Goods Project.

(a) — COMPLETED PROJECTS

The Mortmain and Charitable Uses Act and The Religious Institutions Act

4. By letter dated May 14, 1974, the then Attorney General, the Honourable Robert S. Welch, Q.C., directed a reference to the Commission asking it:

to examine, study and enquire into the past, present and future utility and effectiveness of The Mortmain and Charitable Uses Act and The Religious Institutions Act, and, after study and consideration, to recommend such changes in the law relating to these Acts as in the opinion of the Ontario Law Reform Commission are necessary and/or desirable.

5. Historically, mortmain legislation dealt with the device of licensing the holding of land by corporations. Corporations never die and for reasons of taxation and control of wealth, it was thought necessary from the middle ages onwards to exercise rigid supervision over the

amount and duration of ownership of land by these institutions. *The Mortmain and Charitable Uses Act* is comprised of two distinct parts: a part concerning mortmain which applies to corporations and requires all corporations which have no other authority to hold land in the Province to obtain a licence in mortmain. This applies largely to federally incorporated companies. The second part of the statute concerns charitable uses and provides, very broadly, that a charitable trust or organization, whether incorporated or not, and subject to certain exceptions, may not hold land for more than two years unless it obtains the consent of a Supreme Court judge. Otherwise the land vests in the Public Trustee who is directed by the Act to sell it and transfer the net proceeds of the sale to the charity.

6. *The Mortmain and Charitable Uses Act* has caused difficulties in recent years and has been described as an anachronistic survival from feudal times. Although the Select Committee on Company Law in its Interim Report, 1967, recommended the repeal of the entire statute, its retention has been supported by others because it serves as an indirect method of monitoring foreign ownership of land.

7. It would appear, as a result of the decision of the Supreme Court of Canada in *Morgan v. Attorney General for P.E.I.* (1975), 55 D.L.R. (3d) 527, that it is open to the Province, if thought desirable, to deal directly with the question of foreign ownership of land and the indirect and largely ineffectual device of using mortmain legislation for this purpose is no longer necessary.

8. As a consequence, the Commission has made the following recommendations:

- (1) The mortmain provisions of *The Mortmain and Charitable Uses Act* should be repealed in their entirety and, if thought to be desirable, they should be replaced with a monitoring scheme that is integrated with that in effect with respect to extra-provincial corporations.
- (2) If as a matter of government policy it is decided that a system of controls on landholding by non-resident corporations and other entities is desirable (a matter which is outside the terms of the Reference) such a system should be established by new legislation, rather than by a continuance and "shoring-up" of *The Mortmain and Charitable Uses Act*.
- (3) If as a matter of government policy it is thought desirable to continue to restrict direct investment in land by charities, the charitable uses provisions of the Act should be repealed and replaced with new and simpler legislation to achieve that purpose. Such legislation might either form a separate Act or be incorporated into *The Charitable Gifts Act*. A consolidation of *The Charitable Gifts Act*, *The Charities Accounting Act*, and any retained sections related to chari-

table uses of *The Mortmain and Charitable Uses Act* is desirable.

- (4) The administration, regulation and monitoring of charities should be reviewed by an appropriate body and legislation drafted requiring regular disclosures and publication of information concerning all charities.
- (5) The following consequential amendments and repeals should be made:
 - (a) The first sentence of section 4 of *An Act Respecting Real Property (Quia Emptores)*, R.S.O. 1897, c. 330 (R.S.O. 1970, Appendix A) should be repealed.
 - (b) Section 43 of *The Registry Act*, R.S.O. 1970, c. 409, should be repealed.
 - (c) Section 97 of *The Land Titles Act*, R.S.O. 1970, c. 234, should be amended to exclude any reference to a licence in mortmain.
- (6) Consideration should be given to the enactment of an amendment to *The Business Corporations Act* similar to section 306 of *The Corporations Act*, requiring the sale of land within seven years after it is no longer required for actual use of a corporation or for carrying on its undertaking.
- (7) Provision should be made for the automatic revesting of land in charities or their trustees, where the land has vested in the Public Trustee but has not yet been sold by him. The provision should be retroactive so as to apply to cases where the charity has disposed of the land to a third party. Such a provision should be enacted whether or not divestment provisions similar to the existing ones are to be incorporated into any new legislation, thereby curing defective titles at the date of the enactment.

9. In the event that *The Mortmain and Charitable Uses Act* is to be retained, the Commission has made detailed recommendations for its substantial amendment. These are dealt with in the report as alternative proposals.

10. In general, *The Religious Institutions Act* sets out a statutory scheme under which religious societies or congregations may, through the simple device of appointing trustees, arrange to acquire, mortgage, sell or otherwise deal with land for religious or congregational purposes. Thus the necessity of incorporation and corporate administration is avoided. By express terms, however, the convenient and remedial procedures of the legislation are open only to congregations of Christians and Jews. While no doubt acceptable when originally passed, the legislation seems unduly restrictive and deficient in the modern pluralistic society of Ontario and, understandably, there have been some requests to extend the applicability of the legislation to other religious sects.

11. The report recommends that *The Religious Institutions Act* be replaced by new legislation for the same purpose which would be generally applicable to all religious societies. The Commission's detailed recommendations, which include the suggested repeal of some provisions, the amendment of others and modernization of obscure language in the statute, are embodied in a draft bill entitled *The Religious Societies Act* which is annexed as Appendix A to the report.

(b) — PROJECTS IN PROCESS

Sale of Goods Project

12. In its report one year ago, the Eighth Annual Report 1974, the Commission set forth the specific topics covered in the research design for the Sale of Goods Project. In all twenty-six working papers have been prepared and considered by the research team and their report based on this review and analysis was submitted to the Commission in August, 1975. Since that date the Commission has devoted its attention and as much time as was available to consider the report of the research team with a view to settling all relevant policy issues and the preparation of a final report to the Attorney General. During these discussions it has become increasingly apparent that some remedial measures are required beyond the law of sales, and it is anticipated that, on the completion of the report on the law of sales, the Commission may wish to turn its attention to the general law of contract and the formulation of legislation to amend the general law of contract, plus the reform of other legislation which would provide the basis for an updated mini commercial code. The Commission is now at work on the completion of its report to the Minister on the reform of *The Sale of Goods Act*.

THE PROGRAMME: PROJECTS INITIATED
BY THE COMMISSION

(a) — COMPLETED PROJECTS

(i) *Family Law Project*

Part VI — Support Obligations

13. The Report on Support Obligations is the sixth in the series of reports arising out of our work in the Family Law Project. In this report we present approximately one hundred and fifty recommendations directed toward a root and branch reform of the substantive law and enforcement procedures of the law of support obligations falling within provincial legislative competence: alimony in the Supreme Court; maintenance in the Supreme Court apart from divorce; maintenance as awarded in the Provincial Court (Family Division) under *The Deserted Wives' and Children's Maintenance Act*; and the various provincial statutes dealing with the support of children. The report also contains an exhaustive review of the jurisdictional problems that continue to plague this area of the law due to the constitutional limitations on the powers of

the provincial legislatures to enact legislation concerning maintenance obligations, in view of the provisions of the *Divorce Act*; and the restricted powers to make orders concerning maintenance obligations that the provincial legislatures can confer on Family Court judges appointed by the Lieutenant Governor in Council. Constitutional references, at both the provincial and federal levels, are invited in order that these difficult questions may be resolved.

With the submission of the Report on Support Obligations, the Commission has substantially completed its work on the Family Law Project. In it we have endeavoured to provide the detailed design of a law reform programme which, if implemented, would bring the law governing family relations into closer consonance with the needs and expectations of contemporary society. The task has been a long and difficult one, and has been accomplished only as a result of the scholarship and dedication of a great many people whose invaluable assistance we gratefully acknowledge.

(ii) *The Law of Landlord and Tenant*

14. In 1968 the Commission submitted a Report entitled *Interim Report on Landlord and Tenant Law Applicable to Residential Tenancies*, which contained a series of recommendations aimed at achieving a fairer balance of rights and obligations between landlords and tenants of residential premises. The concern of the Commission was to redress the imbalance which existed in the law in favour of landlords, an imbalance resulting from the law's preoccupation with rigid property principles of feudal origin and the failure of the common law of landlord and tenant over the centuries to develop a coherent philosophy based on a theory of vital interests.

15. Part IV of *The Landlord and Tenant Act*, applicable to residential tenancies, was enacted in 1969, implementing most of the recommendations contained in the *Interim Report*. The legislation created certain rights considered as being vital to tenants, such as the right to rent premises which would be maintained by the landlord in a good state of repair, the right to privacy, and the right to have questions relating to the recovery of possession adjudicated by a judge in the first instance. Certain obligations were also imposed upon tenants, such as the requirement to maintain the rented premises in a state of ordinary cleanliness. In 1972 the Commission submitted a further Report dealing with certain questions which had arisen out of the administration of Part IV of the Act, which in turn led to further amendments being made to *The Landlord and Tenant Act*.

16. The Commission in the current year completed and submitted its third and final report on the law governing the relation of landlord and tenant. The Report is composed of four Parts. Part I is concerned with certain aspects of the law of landlord and tenant applicable to tenancies of both residential and non-residential premises. Some of the subjects dealt with in this Part, while of a largely technical nature and thus possi-

bly of more immediate concern to lawyers than to landlords and tenants, cannot be ignored if landlord and tenant law is to be made more relevant to contemporary social and economic needs. These subjects create the substantive framework within which tenancy agreements operate. They include: the nature of the landlord and tenant relation; the formal requirements of tenancy agreements; the law relating to the running of covenants; the effect of merger or surrender of the reversion; attornment; waiver; obligation to show title; defective tenancy agreements; the renewal of tenancy agreements on behalf of persons outside Ontario; the rights of the parties upon a tenant's insolvency; fixtures; the covenant for quiet enjoyment; termination of the tenancy of a disruptive tenant; relief from the operation of restrictive covenants; the obligation to repair; abandoned chattels; *The Short Forms of Leases Act*; the independence of covenants in a tenancy agreement; tenants' rights prior to possession; mitigation of damages; covenants relating to things in being and things not in being; the obligation to deliver a copy of the tenancy agreement; and the termination of tenancies.

17. Part II of the Report is concerned with an examination of certain aspects of the law relating specifically to non-residential tenancies. In the *Interim Report* we indicated that in some important aspects residential and commercial tenancies require different treatment and that commercial tenancies should be the subject of a separate examination. For this reason, the *Interim Report* was confined to an examination of the legal, social and economic factors affecting residential tenancies only and we did not attempt in that Report to draw any conclusions or make any recommendations with respect to non-residential tenancies. In Part II of this Report consideration is given to certain subjects dealt with in the *Interim Report*, such as the law of distress, security deposits and so on, in relation to non-residential tenancies and in the context of the legal, social and economic factors affecting such tenancies. In considering the possibilities for law reform in this area, we benefited greatly from the experience of a number of landlords and tenants of commercial and industrial premises, as well as various government officials, and others associated with agricultural tenancies all of whom gave us their views. The recommendations contained in Part II are not confined to commercial and industrial tenancies but are referable to all tenancies except residential tenancies. Thus they are intended to apply to tenancies of land used for agricultural purposes.

18. Part III of the Report is concerned with the question of a standard form tenancy agreement for use in the case of residential tenancies. The Commission has decided to recommend the adoption of a standard form tenancy agreement, as well as the adoption of supplementary material to be attached to this agreement. The reasons for this decision, including a specific form of tenancy agreement and of supplementary material, are contained in this Part.

19. Part IV of the Report contains a summary of recommendations and conclusion.

20. During the terminal stages of the preparation of the Report the Commission was aware of, but not directly involved in, the major developments in the area of residential tenancies concerning security of tenure and rent review which have been given legislative expression in *The Landlord and Tenant Amendment Act, 1975* and *The Residential Premises Rent Review Act, 1975*. We are of the view that there is no need for comment on legislation so recently enacted. We would simply point out that the recommendations contained in this Report, with the exception of those dealing with termination of tenancies, are unaffected by the new law.

21. With the submission of the third and final report, the work of the Commission with respect to the law governing the relation of landlord and tenant has been completed.

(iii) *The Law of Evidence*

22. Pursuant to the provisions of section 2(1)(a) of *The Ontario Law Reform Commission Act*, the Commission authorized a research project on the law of evidence concerning those matters over which the Legislature has jurisdiction. The function of the project was to examine the present law of evidence within the Province and to suggest reforms which would preserve the sound and established principles of the law of evidence, yet adapt that law where necessary to cope with the changing conditions of modern society. The project required a critical examination of the rules of evidence in civil proceedings, in prosecutions for provincial offences and, to the extent that such proceedings are not governed by the provisions of other Acts, of the rules of evidence in proceedings before tribunals or investigatory bodies acting under statutory authority.

23. After a careful review of these matters, we remain convinced that the common law approach to evidence is basically sound, and that it would be unwise to reform the law in radically new directions, alien to the tradition of the common law, for example, by leaving the admissibility of evidence solely to the judgment of individuals presiding in particular cases. There must be guidelines which control the admissibility of evidence, but the guidelines must be such that they will not defeat the tribunal in its search for truth.

24. Often the law has shown itself out of touch with modern life, indeed at times out of touch with common sense. For example, in *Myers v. D.P.P.*, [1965] A.C. 1001, records of automobile engine numbers systematically recorded on the assembly line were held to be inadmissible in evidence at common law. It was held that such a record was hearsay evidence. In *Goody v. Odhams Press Ltd.*, [1967] 1 Q.B. 333, an action for defamation based on a newspaper article in which a convicted person was referred to as a robber, it was held that proof of the robbery conviction was no evidence that he was a robber. Such examples show that some of the rules of evidence do not commend themselves to the wisdom of the layman.

25. In the report which we have submitted we recommend a number of specific amendments, both to the common law and to statute law. We have prepared a new draft *Evidence Act*, patterned upon *The Evidence Act* currently in force; our Draft Act contains the major portion of our recommendations together with many sound provisions from the present Act. We have thought it desirable to codify some of the common law, but we do not think it would be wise to attempt to prepare an exhaustive and comprehensive code of evidence. In our view, this would give rise to a whole new course of judicial interpretation creating much uncertainty about the precise meaning of words and phrases used in such a code, a development which could seriously disrupt the administration of justice. The better course, as we see it, is to codify and consolidate where necessary and desirable, but to leave ample room for the organic growth of the common law to meet future conditions which cannot be foreseen. Throughout the history of the law, rules of evidence have been closely associated with guarantees of procedural justice. Our report on evidence has been guided by the recognition that sound, balanced, and reasonable rules of evidence are vital to the conduct of a fair hearing.

26. We have endeavoured to prepare a concise statute that is sufficiently comprehensive to meet most daily requirements in the administration of justice and to rationalize the rules of evidence with modern concepts of proof. We seek to reduce as far as possible forensic debate on what is, or is not, admissible in the average cases over which the Legislature has constitutional jurisdiction. There will be some unusual cases that will arise from time to time that will require extensive research and debate, but we trust that these will be unusual indeed.

27. With the submission of this report the Commission has concluded its work in the Law of Evidence Project.

(b) — PROJECTS IN PROCESS

(i) *Law of Property Project*

28. During the past year the four topics under review in the Law of Property Project were: (a) the law of landlord and tenant; (b) the law of trusts; (c) the basic principles of real property law; and (d) the law of mortgages.

(a) *The Law of Landlord and Tenant*

29. Reference has already been made to the completion and submission of the final report in the law of landlord and tenant.

(b) *The Law of Trusts*

30. The Commission's review of *The Trustee Act* and associated statutes is continuing under the capable direction of Professor Donovan W. M. Waters. Research papers have been completed and considered by the Commission with respect to trusts of imperfect obligation; powers of maintenance and of advancement; restraints on anticipation and on alien-

ation; the private retirement, removal and appointment of trustees; the Ontario *Settled Estates Act*; trustees' administrative powers; and trustees' powers of investment. In the coming year 1976-1977, the Commission will be considering the apportionment of capital and income as between life tenant and remainderman; the fundamental duties of trustees (delegation, conflict of interest and duty, and standard of care); protection and indemnity of trustees; powers of the court; and the conflict of laws. On completion of its report on the law of trusts the Commission will turn its attention to a review of the law governing the administration of estates of deceased persons.

(c) *The Basic Principles of Real Property Law*

31. As the year opened, Professor D. Mendes da Costa, our research supervisor on this difficult topic, submitted his comprehensive Second Report on Basic Principles of Land Law in which he reviewed, at length, the various rules and principles of Ontario land law which were fashioned from the feudal framework of English common law and statutory provisions dealing with interests in land. The research paper contains recommendations for fundamental reform of the law concerning the ownership and transfer of interests in land, including a proposal for the abolition of legal future interests entirely. The Commission has these proposals under consideration at the present time and will then turn to the preparation of its final report.

(d) *The Law of Mortgages*

32. The Commission has embarked on a broad study of the law of mortgages and for this purpose has retained the services of Professor W. B. Rayner, Faculty of Law, University of Western Ontario. Professor Rayner is the editor of the new edition of *Falconbridge on Mortgages*.

(ii) *The Hague Convention Concerning the International Administration of the Estates of Deceased Persons*

33. The Commission has already committed itself to playing a part in the preparation and implementation of international conventions for the reform of the law wherever the subject is one where the need for reform is clear, where international action offers the best prospects of success, and where the subject matter of the convention falls within the legislative competence of the Legislature. A year ago a report was submitted recommending the enactment of the necessary legislation and that the Government of Ontario request accession on behalf of the Province of Ontario by the Government of Canada of the International Convention Providing a Uniform Law on the Form of the International Will.

34. As a companion piece to this international treaty, the Commission now has under consideration The Hague Convention Concerning the International Administration of the Estates of Deceased Persons (1972) and its final report is in course of preparation.

(iii) *The Enforcement of Judgment Debts*

35. The Enforcement of Judgment Debts Project is divided into three major parts: (1) the present enforcement processes with an identification and analysis of their procedural shortcomings; (2) alternative approaches to the enforcement of judgment debts including the proposal for the establishment of a service and enforcement office, the existing office of the referee, the federal trustee in bankruptcy, and the provincial debtor assistance boards; and (3) priorities in the payment of judgment debts.

36. We anticipate that the research will be completed by mid-year and the Commission will then begin the preparation of its final report.

(iv) *Change of Name*

37. In our annual report a year ago, we made reference to the fact that in the course of its research and, more particularly, in the initial stages of preparing a draft report, it became apparent that neither the felt inadequacies of the present law nor the solutions suggested for their reform had been delineated clearly enough. To achieve the fullest possible exchange of views on these two vital issues the Commission, in October, 1975, prepared and gave wide circulation to a study paper entitled *A Woman's Name*. After a presentation of the existing law, the study paper set forth eleven questions designed to focus attention on the relevant issues and invited direct response to them.

38. The replies were encouraging and helpful though somewhat delayed by the vagaries of the mails during the postal dispute. We also derived great benefit from the views of the members of the Ontario Status of Women Council at a meeting with our representatives arranged for this purpose. The Commission has considered these further representations and is now preparing its final report.

(v) *The Impact of Divorce on Existing Wills*

39. In consequence of representations made to it that a number of ex-spouses have been the unintended recipients of windfall benefits resulting from their former spouses' neglect to alter a will following divorce, the Commission has undertaken a study of the possible amendment of *The Wills Act* to avoid this result. Legislation to this effect has already been enacted or proposed in other common law jurisdictions, both in Canada and the Commonwealth, and we are making a comparative study of this problem.

(vi) *Future Programme*

40. In the task of finishing the projects now in process, as discussed in this report, the Commission will have a substantial workload not only for the immediate future but also for a period extending beyond the next fiscal year. With the conclusion of some major projects, however, and the end being in sight for the completion of others, the Commission has turned its attention recently to a consideration of projects which have

been deferred and which might now be taken under active review, as well as new projects which might be taken into its programme. As was said on a recent occasion by Sir Samuel Cooke, the Chairman of the English Law Commission, the problem is not one to find the things which need doing, but rather to select from an enormous field the things which need doing most. The Commission remains open to suggestions in this regard.

LIAISON WITH OTHER LAW REFORM AGENCIES

41. We were pleased to learn of the establishment this year of a Law Reform Committee of the Ontario Branch, Canadian Bar Association, and that the Association, through this Committee, would welcome closer working relations with the Commission. Mr. Lee K. Ferrier of Toronto has been appointed Chairman of the Committee and has already met with representatives of the Commission with a view to establishing procedures for closer consultation which we believe will prove to be advantageous to the work of both groups.

42. As in previous years, we were privileged during the past twelve months to receive many visitors from outside our own jurisdiction and to discuss with them common problems of law reform. We are grateful to them all for the pleasure of their visit and the benefit of their experience so richly shared. Representatives were the Honourable Mr. Justice W. B. Campbell, Chairman of the Remuneration Tribunal and sole member of the Academic Salaries Tribunal, and Mr. F. C. Boyle, Secretary of the Tribunal, from Australia; Mr. Anthony Lucky, Secretary, The Law Commission of Trinidad and Tobago; Ms. Rita MacDonald, Commissioner, and Professor David Cruickshank, Research Director of The Family and Children's Law Commission of British Columbia; Mr. Arthur L. Close, Counsel, the Law Reform Commission of British Columbia; Mr. John Bishop, the Law Reform Commission of New South Wales; Professor W. D. MacDonald, College of Law, University of Florida; and Mr. G. D. S. Taylor, Downing College, Cambridge.

43. In August, 1975 the Commission was represented by the Chairman and Counsel, Mr. Lyle S. Fairbairn, at a meeting of the Canadian law reform agencies in Halifax, Nova Scotia, and immediately following this meeting the Chairman represented the Commission at the regular annual meeting of the Uniform Law Conference of Canada in the same city. The work of the Uniform Law Conference continues to bear a very close affinity with that of the Canadian law reform agencies. The work of the annual meeting of the Uniform Law Conference involves a full week of intensive application, but there can be no doubt that this exercise is of fundamental importance and relevance to the personnel and programmes of the law reform agencies and we trust that the Uniformity Commissioners derive some benefit from the presence of the law reformers as well.

ACKNOWLEDGMENTS

44. Annexed hereto as Appendix A is a list of the reports which have been prepared and submitted by the Commission since its inception in 1964, and a revised statement this year of the extent to which our recommendations have found their way into legislation. We have also attempted to indicate where the recommendations of the Commission are relevant to the various enactments even though legislation would appear not to have been based directly upon our recommendations.

45. Annexed hereto as Appendix B is a list of the officers and permanent staff of the Commission. We extend a hearty welcome to Catherine Wolhowe who has joined the staff of our legal research this year; and express our thanks to the Secretary, Miss A. F. Chute and the administrative staff for their devoted service.

46. May we also record our thanks and appreciation to you, Mr. Attorney, and the officers of the Ministry for the manner in which we have been sustained and encouraged in our work.

CONCLUSION

47. The debate about the proper limits and activities of law reform bodies continues apace. For those who still search for a sign we would simply re-echo the words of Lord Gardiner, a man responsible more than most for the recent revival of an interest in the gentle art, and science, of law reform:

That so much of my time has been devoted to law reform is not a matter on which I have any regrets. My motive has not been that of a lawyer interested in the law as such, although I am. My motive has been a hatred of injustice. I can't bear seeing anomalies in our law cause injustice. I have wanted to see them put right.

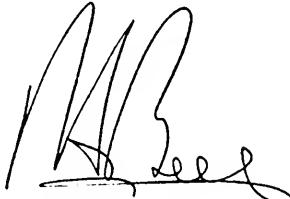
All of which is respectfully submitted.



H. ALLAN LEAL,
Chairman.



JAMES C. MCRUER,
Commissioner.



RICHARD A. BELL,
Commissioner.



W. GIBSON GRAY,
Commissioner.



WILLIAM R. POOLE,
Commissioner.

March 31, 1976

APPENDIX A

REPORTS MADE BY THE ONTARIO LAW REFORM COMMISSION

| Title | Date of Report | Recommendations Implemented by |
|---|--------------------|---|
| No. 1 The Rule Against Perpetuities | February 1, 1965 | The Perpetuities Act, 1966, S.O. 1966, c. 113 |
| No. 1A Supplementary Report on the Rule Against Perpetuities | March 1, 1966 | <i>do.</i> |
| No. 2 The Wages Act; Assignment of Wages | March 3, 1965 | The Wages Amendment Act, 1968, S.O. 1968, c. 142 |
| No. 3 Personal Property Security Legislation | March 28, 1965 | The Personal Property Security Act, 1967, S.O. 1967, c. 72 |
| No. 3A Supplementary Report on Personal Property Security Legislation | May 18, 1966 | <i>do.</i> |
| The Evidence Act; Admissibility of Business Records | February 16, 1966 | The Evidence Amendment Act, 1966, S.O. 1966, c. 51, s. 1 |
| The Mechanics' Lien Act | February 22, 1966 | The Mechanics' Lien Act, 1968-69, S.O. 1968-69, c. 65 |
| Supplementary Report on The Mechanics' Lien Act | May 26, 1967 | <i>do.</i> |
| Proposed Extension of Guarantor's Liability on Construction Bonds | May 30, 1966 | See The Mechanics' Lien Amendment Act, 1975, S.O. 1975, c. 43 |
| | | The Ministry of Transportation and Communications Creditors Payment Act, 1975, S.O. 1975, c. 44 |
| | | The Public Works Creditors Payment Repeal Act, 1975, S.O. 1975, c. 45 |
| The Execution Act: Exemption of Goods from Seizure | December 9, 1966 | The Execution Amendment Act, 1967, S.O. 1967, c. 27 |
| The Law of Condominium | March 6, 1967 | The Condominium Act, 1967, S.O. 1967, c. 13 |
| Basis for Compensation on Expropriation | September 21, 1967 | The Expropriations Act, 1968-69, S.O. 1968-69, c. 36 |
| The Limitation Period for Actions under The Sandwich, Windsor and Amherstburg Railway Act, 1930 | January 8, 1968 | The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1968, S.O. 1968, c. 120 |
| Annual Report 1967 | January 15, 1968 | — |
| Certain Aspects of the Proposed Divorce Legislation contained in Bill C-187 (Can.) | January 19, 1968 | The Divorce Act, S.C. 1967-68, c. 24, s. 26 |
| The Proposed Adoption in Ontario of the Uniform Wills Act | February 5, 1968 | — |

| Title | Date of Report | Recommendations Implemented by |
|--|--------------------|--|
| The Protection of Privacy in Ontario | September 10, 1968 | See The Consumer Reporting Act, 1973, S.O. 1973, c. 97 |
| The Insurance Act, R.S.O. 1960, c. 190, s. 183, as amended S.O. 1961-62, c. 63, s. 4 (commutation) | October 3, 1968 | — |
| Trade Sale of New Houses and the Doctrine of Caveat Emptor | October 4, 1968 | — |
| Interim Report on Landlord and Tenant Law Applicable to Residential Tenancies | December 10, 1968 | The Landlord and Tenant Amendment Act, 1968-69, S.O. 1968-69, c. 58 |
| Limitation of Actions | February 3, 1969 | See The Highway Traffic Amendment Act, 1975 (No. 2), S.O. 1975, c. 37 |
| | | The Fatal Accidents Amendment Act, 1975, S.O. 1975, c. 38 |
| | | The Trustee Amendment Act, 1975, S.O. 1975, c. 39 |
| Annual Report 1968 | April 7, 1969 | — |
| The Age of Majority and Related Matters | May 12, 1969 | The Age of Majority and Accountability Act, 1971, S.O. 1971, c. 98 |
| Status of Adopted Children | June 3, 1969 | The Child Welfare Amendment Act, 1970, S.O. 1970, c. 96, s. 23; and see The Child Welfare Amendment Act, 1975, S.O. 1975, c. 1 |
| Report on Family Law: Part I — Torts | November 4, 1969 | The Family Law Reform Act, 1975, S.O. 1975, c. 41 (partial implementation) |
| Report on Section 20 of The Mortgages Act | March 12, 1970 | The Mortgages Amendment Act, 1970, S.O. 1970, c. 54, s. 1 |
| Report on Family Law: Part II — Marriage | April 6, 1970 | The Civil Rights Statute Law Amendment Act, 1971, S.O. 1971, c. 50, s. 55 (partial implementation) |
| Annual Report 1969 | April 20, 1970 | — |
| Report on Actions Against Representatives of Deceased Persons | November 30, 1970 | The Trustee Amendment Act, 1971, S.O. 1971, c. 32, s. 2 |
| The Coroner System in Ontario | January 25, 1971 | The Coroners Act, 1972, S.O. 1972, c. 98 |
| Sunday Observance Legislation | February 26, 1971 | The Retail Business Holidays Act, 1975, S.O. 1975 (2nd Session), c. 9 |
| Land Registration | March 23, 1971 | — |
| Annual Report 1970 | March 31, 1971 | — |

| Title | Date of Report | Recommendations Implemented by |
|--|--------------------|--|
| The Change of Name Act | May 31, 1971 | The Change of Name Amendment Act, 1972, S.O. 1972, c. 44 |
| Section 16, The Mortgages Act | June 18, 1971 | — |
| Development Control | September 28, 1971 | The Planning Amendment Act, 1973, S.O. 1973, c. 168, s. 10 |
| Powers of Attorney | January 11, 1972 | — |
| Occupiers' Liability | January 11, 1972 | — |
| Consumer Warranties and Guarantees in the Sale of Goods | March 31, 1972 | — |
| Review of Part IV of The Landlord and Tenant Act | March 31, 1972 | The Landlord and Tenant Amendment Act, 1972, S.O. 1972, c. 123 |
| Annual Report 1971 | March 31, 1972 | — |
| The Non-Possessory Repairman's Lien | October 4, 1972 | — |
| Administration of Ontario Courts, Part I | February 26, 1973 | See The Administration of Courts Project Act, 1975, S.O. 1975, c. 31 |
| Annual Report 1972 | March 31, 1973 | — |
| Administration of Ontario Courts, Part II | May 23, 1973 | See The Administration of Courts Project Act, 1975, S.O. 1975, c. 31 |
| Report on Family Law: Part III — Children | September 25, 1973 | The Child Welfare Amendment Act, 1975, S.O. 1975, c. 1 (partial implementation) |
| Report on The Solicitors Act | September 28, 1973 | — |
| Report on Motor Vehicle Accident Compensation | November 9, 1973 | — |
| Administration of Ontario Courts, Part III | December 17, 1973 | The Judicature Amendment Act, 1975, S.O. 1975, c. 3 (partial implementation); and see The Administration of Courts Project Act, 1975, S.O. 1975, c. 31 |
| Report on Family Law: Part IV — Family Property Law | February 8, 1974 | See The Family Law Reform Act, 1975, S.O. 1975, c. 41 (partial implementation) |
| Report on Family Law: Part V — Family Courts | February 8, 1974 | See The Administration of Courts Project Act, 1975, S.O. 1975, c. 31 |
| Annual Report 1973 | May 6, 1974 | — |
| International Convention Providing a Uniform Law on the Form of the International Will | July 3, 1974 | — |
| Annual Report 1974 | March 31, 1975 | — |

| Title | Date of Report | Recommendations Implemented by |
|---|-------------------|--------------------------------|
| Report on Family Law: Part VI — Support Obligations | April 18, 1975 | — |
| Mortmain, Charitable Uses and Religious Institutions | February 27, 1976 | — |
| Landlord and Tenant Law | March 15, 1976 | — |
| The Law of Evidence | March 29, 1976 | — |

APPENDIX B

OFFICERS AND PERMANENT STAFF
ONTARIO LAW REFORM COMMISSION

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| Chairman | H. Allan Leal, Q.C., LL.M., LL.D. |
| Vice-Chairman | Honourable James C. McRuer, O.C., LL.D., D.C.L. |
| Commissioners | Honourable Richard A. Bell, P.C., Q.C. W. Gibson Gray, Q.C. William R. Poole, Q.C. |
| Counsel | Lyle S. Fairbairn, B.A., LL.B. |
| Secretary | Miss A. F. Chute |
| Legal Research Officers | M. A. Springman, B.A., M.A., M.Sc., LL.B. M. P. Richardson, B.A., M.A., LL.B. R. S. G. Chester, B.A. (Hons. Juris.) C. G. Wolhowe, B.A., J.D. |
| Administrative Assistant | Mrs. A. E. Harrower |
| Secretary to Chairman | Mrs. S. Hlynka |
| Secretary to Vice-Chairman | Mrs. M. E. Williams |
| Secretary to Counsel | Mrs. D. M. Halyburton |
| Secretary to Administrative Officer | Mrs. B. G. Woodley |
| Secretaries to Legal Research Officers | Mrs. Cynthia D. Smith Mrs. Teresa D. Loughlin |
| Receptionist | Mrs. Anne David |

